UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
THOMAS THADDEUS SZCZERBA,	)	No. S2-4:15CR00348 HEA (DDN)
a/k/a "Enzo", and	)	
	)	
KEISHA EDWARDS,	)	
a/k/a "Stacey Monroe,"	)	
	)	
Defendants.	)	

GOVERNMENT'S NOTICE OF INTENT AND SUPPLEMENTAL MOTION IN LIMINE TO ADMIT SELF-AUTHENTICATING RECORDS

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Jennifer A. Winfield, Assistant United States Attorney for said District, hereby gives notice that it intends to introduce evidence pursuant to Fed. R. Evid. 902(11).

The Federal Rules of Evidence allow for business records to be admitted in evidence at trial without a custodian of records testifying about their authenticity. Federal Rule of Evidence 902 reads, in pertinent part:

> (11) **Certified Domestic Records of Regularly Conducted Activity –** The original or a duplicate of a record of regularly conducted activity that would be admissible under Rule 803(6) if accompanied by a written declaration of its custodian or other qualified person . . . certifying that the record –
>
> > (A) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

> (B) was kept in the course of regularly conducted activity; and
>
> (C) was made by the regularly conducted activity as a regular practice.
>
> A party intending to offer a record into evidence under this paragraph must provide written notice of that intention to all adverse parties, and must make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them.

Fed. R. Evid. 902(11).

Pursuant to the notification requirement set for this in Fed. R. Evid. 902(11), the government hereby gives notice of its intention to admit at trial business records provided by the Custodian of Records for: AT&T, relative to records subpoenaed for information for an account/phone number ending in 5502, in the above styled cause.

These records reveal the account holder and call log information regarding the AT&T account. The Custodian of Record for AT&T, Todd Gross, has provided these records, accompanied by a Certification attesting to the following:

- that the records were made at or near the time of the occurrence of the matters set forth therein, by or form information transmitted by, a person with knowledge of those matters;
- that the records were kept in the course of regularly conducted business activity; and
- that the records were made by the regularly conducted business activity as a regular practice.

This declaration clearly contains all of the information and requirements proscribed by Fed. R. Evid. 902(11). Therefore, extrinsic evidence of authenticity is not required as a condition precedent to the admissibility of these records. Fed. R. Evid. 902.

CONCLUSION

For the foregoing reasons, the government respectfully requests that this Court issue an order *in limine* permitting the introduction of business records provided by AT&T.

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Jennifer A. Winfield
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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Jennifer A. Winfield
JENNIFER A. WINFIELD, #53350MO
Assistant United States Attorney